

REMARKS

The Office examined claims 1-10 (all of the claims as filed) and rejected claims 1-10. With this paper, some claims are amended, none are canceled, and ten new dependent claims are added to the application, and so the application now includes claims 1-20.

Changes to the claims

Claims 1 and 10 are changed to eliminate the recitation of responding to an instructions signal for instructing how to interpret a tactile sensation pattern, since such instructions can be built into an apparatus, and with the claims as filed, a claim construction could therefore unduly limit the invention. The instructions signal recitation is moved to claim 2 and to new claim 11.

As explained below, claims 1 and 10 are also changed to further limit the invention in respect to the information communicated by a tactile sensation.

As also explained below, new claims 11-20 recite further limitations. Some (12 and 16) limit the invention to the use of tactile sensation pattern signals in communications that are independent of an ordinary voice call (based e.g. on page 12, ll. 1-5, and also page 11, line 4, and page 12, line 8); some (13-14 and 17-18) making express that the invention is of use with data messages (as opposed to voice messages) such as short messages (e.g. per SMS) or with multimedia messages (e.g. MMS messages) (as made clear in the application at e.g. page 11, ll. 2-10 and at page 5, line 24); and some (15 and 19-20) make express certain kinds of tactile sensation pattern signals in terms of what is being communicated by the signals (as explained in the application at e.g. page 5, ll. 26-29, and page 9, ll. 9-21).

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Rejections under 35 USC §102

At paragraph 2 of the Office action, claims 1-5 and 8-10 are rejected under 35 USC §102 as being anticipated by HIRAI et al (GB 2,333,209).

In grounding the rejections, the Office action asserts that HIRAI discloses all of the limitations of claims 1 and 10 (the only independent claims of the application), including providing a tactile sensation expressive of information intended to be communicated and exclusive of information indicating a call is waiting to be answered. The Office action refers to paragraphs 16-20 of HIRAI in support of the assertion (but it appears that the Office action means to refer to page 8, lines 5-24, which is the reference made in the second rejection under 35 USC 102, using Tsukamoto, a US patent application that has only 5 pages but does have paragraphs 16-20).

As far as applicant can determine, HIRAI discloses a portable terminal device that provides a tactile sensation indicating only that a call is waiting to be answered and in addition indicates the identity of the caller. (HIRAI also teaches that a "simple message can be indicated on the portable terminal device" as long as it is "capable of displaying characters," and so the simple message is not a tactile sensation.) Applicant respectfully submits that the identity of the caller is today--with caller ID a common feature in telephone service--fairly construed to be included in "information indicating a call is waiting," and is not at all the kind of further information described in the application, at e.g. illustrated in Fig. 2, or at e.g. page 12, line 1.

Nevertheless, to make express that the invention is substantially more than an apparatus providing a tactile sensation indicating a call is waiting to providing caller ID based on the particular tactile sensation created by the apparatus, the two

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independent claims of the application are now amended to recite that the tactile sensation provided by the invention is indicative of information intended to be communicated exclusive of both information that a call is waiting to be answered, as well as the identity of the caller (based e.g. on the disclosure at page 12, ll. 1-5).

Accordingly, applicant respectfully requests that the rejections under 35 USC §102 based on HIRAI be reconsidered and withdrawn.

At paragraph 3 of the Office action, claims 1-5 and 8-10 are rejected under 35 USC §102 as being anticipated by TSUKAMOTO (US 2001/0044328).

TSUKAMOTO discloses a caller using the vibrator mechanism of a mobile phone to signal--by turning on and off the caller's vibrator--that a voice conversation cannot continue, and to continue communicating information using the vibrator to send coded information (with the codes indicated in a table the caller can refer to while using the vibrator to continue the communication). (The called person then stops communicating by voice and uses the vibrator on his or her phone to continue communicating too.)

By contrast, the tactile sensations provided according to the invention make no use of a table, and instead are by themselves (i.e. without a table) expressive of information intended to be communicated; thus the tactile sensations of the invention cannot fairly be characterized as code, as can be the vibration patterns taught by TSUKAMOTO (and indeed as they are, in e.g. the abstract). See e.g. Fig. 2 of the application and note that the patterns are naturally expressive of what is intended to be communicated. (Of course the information that can be communicated according to the invention is perhaps more limited than what can be communicated according to TSUKAMOTO, which can be said to teach

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sending Morse code, capable of communicating anything words can communicate).

Since the vibration patterns communicated per TSUKAMOTO are merely a code, and so are not expressive of information intended to be communicated as that language is given meaning by the application, applicant respectfully requests that the rejections under 35 USC §102 based on TSUKAMOTO be reconsidered and withdrawn.

Rejections under 35 USC §103

At paragraphs 5 and 6 of the Office action, claims 6 and 7 are rejected under 35 USC §103.

Since claims 6 and 7 depend from claim 1, believed in condition for allowance for the reasons given above, applicant respectfully requests that the rejections under 35 USC §103 be withdrawn.

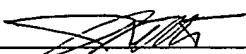
Conclusion

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

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